

## REMARKS

### **SUMMARY**

In the Office Action dated December 27, 2004, claims 1-3, 9-12, 14, 18, 20, 23, 26-28, 35, 38-40, 43-46, 50, 53, 56-58, 62, 68-70, 72, 74, 76-78, 82-86, 88-90, 93, 96 and 99 were rejected under 35 U.S.C. § 102. Additionally, claims 15, 29, 58, and 66 were rejected under 35 U.S.C. § 103.

Claims 1-3, 10-12, 14, 18, 20, 26-29, 35, 38-40, 43, 44-46, 50, 53, 56-59, 62, 66, 70, 72, 77-78, 82-83, 85, 89-90, 93, 96, and 99 have been amended to correct previously undetected informalities. These amendments have not been entered to overcome prior art and are fully supported by the specification. No materials have been added.

Claims 1-3, 9-12, 14-15, 18, 20, 23, 26-29, 35, 38-40, 43-46, 50, 53, 56-59, 62, 66, 68-70, 72, 74, 76-78, 82-86, 88-90, 93, 96 and 99 remain pending in this Application.

### Rejections under 35 U.S.C. 102

Claims 1-3, 9-12, 14, 18, 20, 23, 26-28, 35, 38-40, 43-46, 50, 53, 56-58, 62, 68-70, 72, 74, 76-78, 82-86, 88-90, 93, 96 and 99 stand rejected under 35 U.S.C. 102 as being unpatentable over U.S. Patent No. 6,127,941 to Van Ryzin ("*Van Ryzin*"). In response, Applicant respectfully traverses the rejection.

To establish a *prima facie* case of anticipation under 35 U.S.C § 102, the Examiner must identify where "**each and every facet of the claimed invention is disclosed in the applied reference**" *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1462 (Bd.

Pat. App. & Interf. 1990), see also *Electro Med. Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 1052, 32 U.S.P.Q.2d 1017, 1019 (Fed. Cir. 1994).

Claim 1

Claim 1 recites a method comprising:

receiving by a remote control a first collection of first

    sending to a remote control, by a controllee electronic apparatus, a first collection of user interface displays having associated control commands, for the remote control to control the controllee electronic apparatus;

    receiving by the controllee electronic apparatus, first control commands, from said remote control, the first control commands being resulted from said first collection of user interface displays being used by a user of said remote control; and

    controlling operation of said controllee electronic apparatus, by said controllee electronic apparatus in accordance with said received first control commands.

Therefore, the method requires, *inter alia*, that the “controllee electronic apparatus” send the “remote control ... user interface displays having associated command codes ... to control the controllee electronic apparatus”. For example, in one embodiment of the present invention, a device, such as a TV, is initializing and/or programming a universal remote control by sending the necessary user interface displays having command codes needed to operate the TV.

Thus, the claim language requires the controllee electronic apparatus to send to the remote control device (a) the user interface (for controlling the controllee electronic apparatus), and (b) the sent user interface having associated command codes (to control the controllee electronic apparatus).

As one of ordinary skill in the art would readily appreciate, the plain meaning of “User Interface” is:

Abbreviated *UI*, the junction between a user and a computer program. An interface is a set of commands or menus through which a user communicates with a program. A command-driven interface is one in which you enter commands. A *menu-driven* interface is one in which you select command choices from various menus displayed on the screen..

See, <http://www.webopedia.com/>

Moreover, the plain meaning of “Command” is:

An instruction to a computer or device to perform a specific task. Commands come in different forms. They can be:

- special words (keywords) that a program understands.
- function keys
- choices in a menu
- buttons or other graphical objects on your screen

Every program that interacts with people responds to a specific set of commands. The set of commands and the syntax for entering them is called the user interface and varies from one program to another.

See, <http://www.webopedia.com/>

In contrast, notwithstanding the passage cited by the Examiner, it is clear that *Van Ryzin* merely teaches a remote control unit receiving its user interface to control various multimedia components from a cartridge removably inserted into the remote control unit. See e.g. col. Lines 57-60, where it is stated “Further included in the remote control unit 100 is a cartridge 110 which plugs into the remote control unit 100 for storing software (a binary program). This software contains specifications for controlling and operating multimedia components ...” Thus, it is amply clear, regardless of the nature of the commands that may be sent from the multimedia components to the remote control unit during operation, e.g. an ID code from a T.V.; or program

specifications for various multimedia devices, VCR codes and T.V. listings retrieved by the remote control from a personal computer, these provision/transmission of commands from the multimedia components to the remote control unit do not include the user interface displays that get displayed on the remote control unit for the user to interact to control the multimedia component. As stated earlier, the user interface come from the software provided through the removal cartridge.

Accordingly, for at least these reasons, *Van Ryzin* fails to teach or suggest claim 1's operation of the "controllee apparatus" sending the "remote control ... user interface displays having associated command codes ... to control the controllee electronic apparatus". Therefore, claim 1 is patentable over *Van Ryzin*.

Claims 26, 53, 78, and 90 contain in substance the same requirements of claim 1, and therefore, for at least the reasons stated above, are patentable over *Van Ryzin*.

Claims 2, 3, 9-12, 14, 18, 20, 23, 27, 28, 35, 38-40, 43-46, 50, 56-58, 62, 68-70, 72, 74, 76-77, 82-86, 88-89, 93, 96 and 99 are each dependent upon one of independent claims 1, 26, 53, 78, and 90, and are patentable for at least the above-stated reasons. Applicant respectfully requests the rejection to 1-3, 9-12, 14, 18, 20, 23, 26-28, 35, 38-40, 43-46, 50, 53, 56-58, 62, 68-70, 72, 74, 76-78, 82-86, 88-90, 93, 96 and 99 be withdrawn.

#### Rejection under 35 U.S.C. 103

Claims 15, 29, 58, and 66 stand rejected under 35 U.S.C. 103 as being unpatentable over *Van Ryzin*. In response, Applicant respectfully traverses the rejection.

As discussed above, *Van Ryzin* fails to teach or suggest the required operation of the "controllee apparatus" sending the "remote control ... user interface displays having associated command codes ... to control the controllee electronic apparatus".of claim 1. For at least these reasons, claim 1 is not obvious and is patentable over *Van Ryzin*.

Claims 26 and 53 have in substance the same requirements discussed above for claim 1 and therefore, for at least the same reasons are patentable over *Van Ryzin*.

Claims 15, 29, 58, and 66 depend on either claims 1, 26, or 53 incorporating their limitations. For at least the same reasons, claims 15, 29, 58, and 66 are not obvious and are patentable over *Van Ryzin*.

**CONCLUSION**

In view of the foregoing, Applicant respectfully submits that claims 1-3, 9-12, 14-15, 18, 20, 23, 26-29, 35, 38-40, 43-46, 50, 53, 56-59, 62, 66, 68-70, 72, 74, 76-78, 82-86, 88-90, 93, 96 and 99 are in condition for allowance.

Thus, early issuance of Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393. A Fee Transmittal is enclosed in duplicate for fee processing purposes.

Respectfully submitted,  
SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: \_\_\_\_\_

3/28/05

  
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The PTO did not receive the following  
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